



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,123	09/07/1999	BYRON HUA CHEN	9-7-4-5	8107

7590 07/16/2002

DOCKET ADMINISTRATOR  
LUCENT TECHNOLOGIES INC  
600 MOUNTAIN AVENUE RM 3C 512  
P O BOX 636  
MURRAY HILL, NJ 079740636

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

prh

# Office Action Summary

Application No.

09/391,123

Applicant(s)

Chen et al

Examiner

Charles Craver

Art Unit

2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 16, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Apr 16, 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2681

## **DETAILED ACTION**

### ***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 4-16-02 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Westcott et al, US Pat 6,298,083.

#### **Regarding claim 1,**

Westcott discloses a method for detecting a plurality of signals (col 3 line 66-col 4 line 53), comprising the steps of

Art Unit: 2681

measuring a strength of signals transmitted on frequencies associated with a signal to be detected,

determining an integration time based on said signal strength (col 7 line 65-col 8 line 36),  
and

finding the signal to be detected using a correlator for a given integration time (col 4 lines 16-29, col 5 lines 26-36, col 6 line 66-col 7 line 16).

**Regarding claim 2,**

Westcott discloses that a shorter search is used when a stronger signal is present (col 5 lines 29-33), based on the weighted number and time calculated for the integration time (col 8 lines 4-19), which reads an inverse relation.

**Regarding claims 3 and 4,**

Westcott discloses that the integration time may be calculated using a mathematical equation (col 8 lines 4-14), or using a statistical model (col 7 lines 46-52), which reads as a curve.

**Regarding claims 5 and 6,**

The integration period must inherently have a minimum number of cycles and a maximum number of cycles in order to properly enable a correlation to take place; thus, since such a minimum and maximum would correspond to a given value of signal strength, such values are read as thresholds.

**Regarding claim 7,**

Art Unit: 2681

Westcott discloses that the signals received are estimated, given that the process is for searching within a frequency range so as to lock onto a wanted signal (col 1 lines 47-54, col 4 lines 44-62, col 56 lines 16-35).

**Regarding claim 10,**

Westcott discloses that the received frequency may differ from the original frequency by Doppler shift (col 1 lines 30-46); as such, in the case that such a shift is minimized, the received frequency would be experimentally equal to that which was transmitted.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westcott as applied to claim 1 above, and further in view of the applicant's disclosure of prior art.

**Regarding claim 8,**

While disclosing applicant's invention of claim 7 as shown above, Westcott does not expressly disclose that the estimated frequency is based on a reference point within a sector in which a receiver is located. However, the applicant admits as prior art such a system, specifically a WAG system (page 5 lines 3-18), in which such a presupposition of a needed frequency is based

Art Unit: 2681

on receiver location in order to save time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such a step in the GPS signal capturing method of Westcott, as Westcott discloses that the longer it takes to lock on to a signal, the more time and energy is wasted (col 2 lines 31-54).

**Regarding claim 9,**

While disclosing applicant's invention of claim 1 as shown above, Westcott does not expressly disclose that the estimated frequency is based on a received search message. However, the applicant admits as prior art such a system, specifically a WAG system (page 5 lines 12-18), in which such a presupposition of a needed frequency is based on information received from a WAG server. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such a step in the GPS signal capturing method of Westcott, as Westcott discloses that the longer it takes to lock on to a signal, the more time and energy is wasted (col 2 lines 31-54).

**Regarding claim 11,**

The applicant further recites that the GPS receiver may use more than one GPS satellite signal to determine location (page 2 lines 7-14 and 25-32). In such a case, a second signal would be received, integrated and correlated in the same manner as the first signal.

Art Unit: 2681

*Allowable Subject Matter*

6. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claim 12 teaches towards a method for detecting a plurality of signals comprising measuring a strength of signals transmitted on frequencies associated with a signal to be detected, determining an integration time based on said signal strength and finding the signal to be detected using a correlator for a given integration time, wherein a power spectrum density measurement over a number of samples in a twenty millisecond time period is used to determine the integration time. Claim 12 is neither taught nor suggested by the prior art.

*Response to Arguments*

8. Applicant's arguments filed 4-16-02 have been fully considered but they are not persuasive.

Regarding claim 1, the examiner upholds the rejection over Westcott. While it is true that Westcott discloses determining a number of coherent integration cycles, such a step is read by the examiner as determining an amount of time for coherent integration; claim 1 only recites a determination of a coherent integration time and a search in that time period.

Art Unit: 2681

Regarding claims 5 and 6, the examiner asserts that a maximum and minimum number of cycles or integration time would be inherent, as an integration time of zero would not allow a search, and an infinite time would not be possible.

Regarding claims 7-10, the examiner asserts that, given that Westcott discloses the measurement of signals as set forth in the rejection of claim 1 above, and that the frequency is not known precisely before the search, that the measurement set forth in col 8 lines 1-36 would be of the estimated frequency; note Westcott's disclosure of a frequency uncertainty (col 8 lines 13) in the integration time calculation.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



Art Unit: 2681

**10. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington VA, sixth floor (receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Ed Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver  
July 11, 2002

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600